

1987 MAR 18 AM 9:25  
CLERK OF THE HOUSE

I certify that the attached is a true and correct copy of HB #1072, which was filed of record on 3-2-87 and referred to the committee on: Natural Resources

*Betty Winters*  
FILED MAR 2 1987 Chief Clerk of the House

By Glenn A. Repp

H. B. No. 1072

A BILL TO BE ENTITLED

AN ACT

relating to the membership of the Texas Water Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 5.052, Water Code, is amended to read as follows:

(a) The commission is composed of six [~~three~~] members who are appointed by the governor with the advice and consent of the senate.

SECTION 2. Subsection (a), Section 5.056, Water Code, is amended to read as follows:

(a) The members of the commission hold office for staggered terms of six years, with the terms [~~term~~] of two members [~~one member~~] expiring every two years. Each member holds office until his successor is appointed and has qualified.

SECTION 3. (a) This Act takes effect September 1, 1987.

(b) Not later than the 15th day after the effective date of this Act, the governor shall appoint three persons to fill the three new positions on the Texas Water Commission and shall designate for each appointee the date on which his term expires. The term of each of the new commissioners shall be designated to expire on the expiration of the term of one of the existing commissioners every two years, so that in the future the terms of two commissioners will expire every two years.

(c) This Act does not affect the terms of office of members

1 of the Texas Water Commission serving on the effective date of this  
2 Act.

3 SECTION 4. The importance of this legislation and the  
4 crowded condition of the calendars in both houses create an  
5 emergency and an imperative public necessity that the  
6 constitutional rule requiring bills to be read on three several  
7 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

1987 MAY 17 PM 3:14

1st Printing

By Repp

H.B. No. 1072

Substitute the following for H.B. No. 1072:

By Yost

C.S.H.B. No. 1072

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5.058, Water Code, is amended by adding  
Subsections (f), (g), and (h) to read as follows:

(f) A member of the commission may place an item on the  
commission's agenda.

(g) The commission shall make decisions by majority vote.

(h) In addition to other scheduled meetings, the commission  
shall hold a regular meeting at least every two weeks to consider  
matters relating to commission policies and business. The  
executive director or a deputy director shall be present at each  
meeting to advise the commission with regard to matters under  
consideration.

SECTION 2. Section 5.105, Water Code, is amended to read as  
follows:

Sec. 5.105. GENERAL POLICY. The [~~Except--as--otherwise~~  
~~specifically-provided-by-this-code,--the~~] commission[~~--by--rule,~~]  
shall establish and approve all general policy of the commission.

SECTION 3. Chapter 5, Water Code, is amended by adding  
Section 5.1081 to read as follows:

Sec. 5.1081. DEPUTY DIRECTOR. (a) Subject to approval of  
the commission, the executive director may appoint one or more

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2 (b) A deputy director may exercise the powers and shall  
3 exercise the duties provided by the commission and the executive  
4 director.

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7 Sec. 5.1091. COMMISSION SUPPORT STAFF. (a) On approval of  
8 the commission, each member of the commission may employ two or  
9 more persons as support staff, in classified positions.

10 (b) Persons appointed by the members of the commission under  
11 Subsection (a) of this section are in addition to support provided  
12 by the office of the chief clerk and its staff.

13 SECTION 5. Section 5.110, Water Code, is amended by adding  
14 Subsection (e) to read as follows:

15 (e) The general counsel may not hold any other position with  
16 the commission.

17 SECTION 6. Sections 5.221, 5.223, and 5.228, Water Code, are  
18 amended to read as follows:

19 Sec. 5.221. GENERAL RESPONSIBILITIES OF THE EXECUTIVE  
20 DIRECTOR. (a) The executive director shall implement the policies  
21 established by the commission, and shall manage the administrative  
22 affairs of the commission [~~subject-to-this-code-and-other-laws-and~~]  
23 under the general supervision and direction of the commission.

24 (b) The executive director's position on issues must be  
25 consistent with the established policies of the commission. On  
26 matters in which the commission has not established a policy, the  
27 executive director, with commission approval, may present as the

1 position of the executive director a position that is not  
2 inconsistent with related commission policies.

3 Sec. 5.223. ADMINISTRATIVE ORGANIZATION OF COMMISSION.

4 (a) Subject to approval of the commission, the executive director  
5 may organize and reorganize the administrative sections and  
6 divisions of the commission in a manner and in a form that will  
7 achieve the greatest efficiency and effectiveness.

8 (b) Subject to the approval of the commission, the executive  
9 director shall appoint division directors.

10 Sec. 5.228. APPEARANCES AT HEARINGS. (a) The position of  
11 and information developed by the commission shall be presented by  
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13 of the commission [~~and the hearings held by federal, state, and~~  
14 ~~local agencies on matters affecting the public's interest in the~~  
15 ~~state's water resources, including matters that have been~~  
16 ~~determined to be policies of the state~~]. The executive director  
17 shall be named a party in hearings before the commission.

18 (b) On approval of the commission, the executive director or  
19 his designated representative shall present at hearings held by  
20 federal, state, and local agencies the position of and information  
21 developed by the commission on matters affecting the public's  
22 interest in the state's water resources, including matters that  
23 have been determined to be policies of the state.

24 SECTION 7. Section 5.222, Water Code, is repealed.

25 SECTION 8. The importance of this legislation and the  
26 crowded condition of the calendars in both houses create an  
27 emergency and an imperative public necessity that the

C.S.H.B. No. 1072

1 constitutional rule requiring bills to be read on three several  
2 days in each house be suspended, and this rule is hereby suspended,  
3 and that this Act take effect and be in force from and after its  
4 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

5-6-87

(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred HB 1072 have had the same under consideration and beg to report  
(measure)  
back with the recommendation that it

- ( ) do pass, without amendment.
- ( ) do pass, with amendment(s).
- (X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes ( ) no An actuarial analysis was requested. ( ) yes (X) no

An author's fiscal statement was requested. ( ) yes (X) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

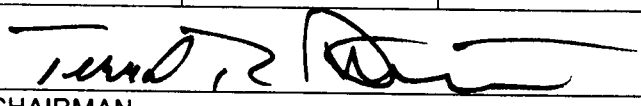
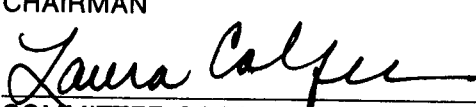
This measure (X) proposes new law. (X) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	X			
Harris, J., V.C.	X			
Johnson, C., C.B.O.				X
Hammond				X
Holzheuser	X			
Russell	X			
Shelley				X
Toomey				X
Yost	X			

Total  
5 aye  
0 nay  
0 present, not voting  
4 absent

  
CHAIRMAN  
  
COMMITTEE COORDINATOR

## BILL ANALYSIS

### Background

The Texas Water Commission is currently composed of three members who serve under various statutory authorities, commission rules, and tradition. Some commissioners believe that the various rules and procedures under which they operate should be codified.

### Purpose of the Bill

This bill would codify the administration, powers, and duties of the Texas Water Commission.

### Section by Section Analysis

- SECTION 1. Provides for placing items on Commission agenda, majority vote, and biweekly meetings. Requires attendance at meetings by executive or deputy director.
- SECTION 2. Deletes certain rulemaking authority.
- SECTION 3. Provides for appointment and powers of deputy directors on approval of commissioners.
- SECTION 4. Provides for employment of support staff with certain restrictions.
- SECTION 5. Provides that general counsel may not hold any other position with Commission.
- SECTION 6. Sets forth general responsibilities of the executive director, including appointing division directors and representing Commission at hearings, on approval of the commissioners.
- SECTION 7. Repeals Section 5.222, Water Code.
- SECTION 8. Emergency clause.

### Rulemaking Authority

It is the opinion of this committee that this bill does not grant additional rulemaking authority to the Texas Water Commission.

### Summary of Committee Action

Public notice was posted in accordance to the rules and a public hearing was held on April 8, 1987.

The bill was referred to a subcommittee consisting of the following members: Shelley, Chair; Holzheuser and Yost. On



April 5, 1987, the subcommittee met in a formal meeting and voted to report the measure as substituted.

On April 6, 1987, pursuant to a suspension of the 48-hour layout rule, the full committee voted to report HB 1072 as substituted with the recommendation that it do pass by a record vote of 5 ayes, zero nays, and zero present, not voting.

The following persons testified in favor of HB 1072 as originally introduced:

Dan Dodson, City Manager  
City of Duncanville

Greg Vick, City Manager  
City of Cedar Hill

I.M. Rice, Executive Vice-President  
Trinity Improvement Association

#### Comparison of Original Bill to the Substitute

The original bill provided that the number of commissioners would increase from three to six members; the substitute does not increase the membership, but does specify their powers and duties. The substitute also addresses general policy issues, including the powers and duties of the executive director and commission staff. The substitute also repeals an existing statute which allows the executive director to employ deputy directors who serve at his direction and under his supervision.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 13, 1987

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 1072

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1072 (relating to the administration, powers, and duties of the Texas Water Commission) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Water Commission;  
LBB Staff: JO, HES, JWH, JG, LV

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 23, 1987

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 1072  
By: Repp

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1072 (relating to the membership of the Texas Water Commission) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would increase the number of Texas Water Commissioners from the current three to six members.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1987</u>
1988	\$236,266	+ 3
1989	207,640	+ 3
1990	207,640	+ 3
1991	207,640	+ 3
1992	207,640	+ 3

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Water Commission;  
LBB Staff: JO, HES, JWH, JG, PA

H. B. No. 1072

By Glenn A. Repp

A BILL TO BE ENTITLED

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MAR 2 1987  
MAR 10 1987

MAY 6 1987

MAY 17 1987

MAY 18 1987

1. Filed with the Chief Clerk.

2. Read first time and Referred to Committee on Natural Resources

3. Reported favorably (~~as amended~~) and sent to Printer at 7:00 pm  
MAY 13 1987

4. Printed and distributed at 3:14 pm

5. Sent to Committee on Calendars at 8:41 am

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)  
(Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered  
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years,  
\_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed  
to suspend) by a four-fifths vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_  
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote  
of \_\_\_\_\_ years, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed  
prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_  
nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read  
first time.

20. Ordered not printed.

21. Regular order of business suspended by  
(a viva voce vote.)  
(\_\_\_\_\_ years, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
1897 MAY 17 PM 3:14

1987 MAR 18 AM 9:25  
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4 crowded condition of the calendars in both houses create an  
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By Repp

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COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

5-6-87  
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred HB 1072 have had the same under consideration and beg to report  
(measure)  
back with the recommendation that it

- ( ) do pass, without amendment.
- ( ) do pass, with amendment(s).
- (X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes ( ) no                      An actuarial analysis was requested. ( ) yes (X) no

An author's fiscal statement was requested. ( ) yes (X) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

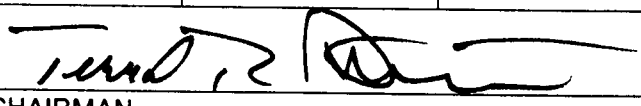
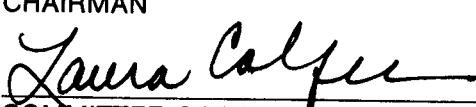
This measure (X) proposes new law.            (X) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	X			
Harris, J., V.C.	X			
Johnson, C., C.B.O.				X
Hammond				X
Holzheuser	X			
Russell	X			
Shelley				X
Toomey				X
Yost	X			

Total  
5 aye  
0 nay  
0 present, not voting  
4 absent

  
CHAIRMAN  
  
COMMITTEE COORDINATOR

## BILL ANALYSIS

### Background

The Texas Water Commission is currently composed of three members who serve under various statutory authorities, commission rules, and tradition. Some commissioners believe that the various rules and procedures under which they operate should be codified.

### Purpose of the Bill

This bill would codify the administration, powers, and duties of the Texas Water Commission.

### Section by Section Analysis

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City of Duncanville

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City of Cedar Hill

I.M. Rice, Executive Vice-President  
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# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 13, 1987

TO: Honorable Terral Smith, Chair  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 1072

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1072 (relating to the administration, powers, and duties of the Texas Water Commission) this office has determined the following:

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Source: Water Commission;  
LBB Staff: JO, HES, JWH, JG, LV

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The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would increase the number of Texas Water Commissioners from the current three to six members.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1987</u>
1988	\$236,266	+ 3
1989	207,640	+ 3
1990	207,640	+ 3
1991	207,640	+ 3
1992	207,640	+ 3

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Water Commission;  
LBB Staff: JO, HES, JWH, JG, PA



H. B. No. 1072

By Glenn A. Repp

A BILL TO BE ENTITLED

AN ACT

relating to the membership of the Texas Water Commission.

MAR 2 1987  
MAR 10 1987

MAY 6 1987

MAY 17 1987

MAY 18 1987

1. Filed with the Chief Clerk.

2. Read first time and Referred to Committee on Natural Resources

3. Reported favorably (~~as amended~~) and sent to Printer at 7:00 pm  
MAY 13 1987

4. Printed and distributed at 3:14 pm

5. Sent to Committee on Calendars at 8:41 am

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)  
(Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered  
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years,  
\_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed  
to suspend) by a four-fifths vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_  
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote  
of \_\_\_\_\_ years, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed  
prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_  
nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read  
first time.

20. Ordered not printed.

21. Regular order of business suspended by  
(a viva voce vote.)  
(\_\_\_\_\_ years, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
1897 MAY 17 PM 3:14